

### **REMARKS**

Claims 2-5, 19, 21-27 are active in the case. Claims 6-18 and 20 stand withdrawn from consideration. Reconsideration is respectfully requested.

The present invention relates to a non-aqueous secondary battery whose active material of the negative electrode is a material that is capable of occluding and liberating alkali metal ions and alkaline earth metal ions.

### **Claim Amendments**

Claim 26 has been amended by incorporation of amending language therein that identifies the function of the negative electrode of the claimed energy storage device similarly to Claim 21 by stating that the electrode releases electrons during operation. Claim 27, on the other hand, has been narrowed in scope relative to Claim 21 by positively specifying the presence of a positive electrode and by requiring the positive electrode to be formed from one of the positive electrode materials identified at page 13, lines 4-6 of the specification. Accordingly, none of the amendments introduce new matter into the case and entry of the amendments to the claims is respectfully requested.

### **Discussion**

Applicants wish to thank the Examiner for the indication of allowable subject matter in the case.

With respect to rejected Claim 26, the same has been amended by incorporating language therein, similar to that now in Claims 19 and 21, which specifies that the negative electrode is

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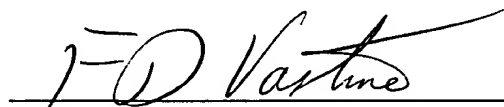
the electrode of the energy storage device one which releases electrons as the energy storage device is discharged. The claim is therefore believed to be in a form that distinguishes it from the cited and applied prior art. Accordingly, withdrawal of the rejection of the claim raised under 35 USC 102(e) in view of Kawakami et al is respectfully requested.

As to Claim 27, which is drawn to a non-aqueous secondary battery, the same has now been amended to further limit the scope of the claim by positively reciting the presence of a positive electrode. Also the materials from which the positive electrode can be formed are recited in the claim, and basis for the materials, as pointed out above, can be found on page 13 of the specification. Claim 27 is now of considerably narrower scope than allowed Claim 21. Accordingly, withdrawal of the rejection raised under 35 USC 102(e) in view of Kawakami et al is respectfully requested.

It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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